

ENTERED

October 19, 2017

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

UNITED STATES OF AMERICA	§	
	§	
VS.	§	CRIMINAL ACTION NO. 2:11-CR-522
	§	
FRANCISCO MANRIQUEZ	§	

ORDER

Francisco Manriquez filed a *pro se* motion to reduce his sentence pursuant to 18 U.S.C. § 3582(c) and Amendment 782 to the sentencing guidelines. D.E. 36. Because Amendment 782 does not authorize relief, the motion is denied. The Court denied his first motion on the same ground by Order dated August 18, 2015.

Manriquez was sentenced to 145 months in the Bureau of Prisons in 2011 based upon his guilty plea to possession with intent to distribute 5.68 kilograms of methamphetamine. D.E. 27. His base offense level was calculated based upon 5.68 (actual) kilograms of methamphetamine and resulted in a level 38.¹ Amendment 782 revised the Drug Quantity Tables and made the change retroactive effective on November 1, 2014. The new Drug Quantity Tables assign level 38 to 4.5 kilograms (actual) or more of methamphetamine. As a result, there is no reduction in Manriquez' sentencing guideline range.


“A defendant who has been sentenced to a term of imprisonment based on a sentencing range that has subsequently been lowered by the Sentencing Commission” may apply for a reduction in his sentence if the amendment applies retroactively. 18 U.S.C. §3582(c)(2); *see also Freeman v. United States*, 131 S.Ct. 2685, 2690-91 (2011) (reciting standard for sentence modifications); *Dillon v. United States*, 560 U.S. 817, 824-25 (2010). Importantly, however,

¹ D.E. 19, ¶ 15.

Amendment 782 does not benefit Manriquez. The drug table, and therefore his sentencing range, is unchanged for the quantity of methamphetamine at issue. He is not eligible for a sentence reduction.

The Court DENIES Manriquez' motion (D.E. 36) to reduce sentence and to appoint counsel.

SIGNED and ORDERED this 19th day of October, 2017.



Janis Graham Jack
Senior United States District Judge